



EXPRESS MAIL NO.: EV452773514US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Kiener et al.

Confirmation No.: 5469

Application No.: 10/823,254

Group Art Unit: 1614

Filed: April 12, 2004

Examiner: To Be Assigned

For: EphA2 HYPOPROLIFERATIVE CELL
DISORDERS

Attorney Docket No.: 10271-060-999

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice To File Missing Parts Of Nonprovisional Application ("Notice"), mailed August 12, 2004, and in connection with the above-identified application, Applicants submit herewith: (1) an executed Declaration for Non-Provisional Patent Application (in two counterparts); and (2) a copy of the Notice. Applicants also submit herewith: (1) Petition for Extension of Time Under 37 CFR § 1.136(a); (2) a Transmittal of Power of Attorney by Assignee and Exclusion of Inventor(s) Under 37 C.F.R. § 3.71; and (3) an executed Power of Attorney with a copy of the Assignment.

It is estimated that a fee of \$130.00 is required for filing this Response. Please charge the required fee to Jones Day Deposit Account No. 50-3013. A copy of this sheet is enclosed.

Entry of the foregoing remarks into the record is respectfully requested.

Respectfully submitted,

Date: November 3, 2004

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/823,254	04/12/2004	Peter A. Kiener	10271-060-999

20583
JONES DAY
222 EAST 41ST ST
NEW YORK, NY 10017



CONFIRMATION NO. 5469

FORMALITIES LETTER



OC000000013514541

Date Mailed: 08/12/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

11/08/2004 BABRAHA1 00000054 503013 10823254

FILED UNDER 37 CFR 1.53(b)

01-FC:1051

130.00 DA

11/08/2004 BABRAHA1 00000055 503013 10823254

Filing Date Granted

11/08/2004 BABRAHA1 00000055 503013 10823254

01 FC:1051

130.00 DA

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

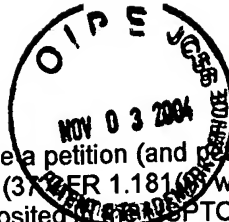
The following item(s) appear to have been omitted from the application:

- Figure(s) **5B - D** described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted items(s) and the petition (and petition fee) requesting the later filing date.



III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*


Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE